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J. D. Watson

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BIOGRAPHICAL SKETCH

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1882

JOHN DEAN CATON,

EX-CHIEF-JUSTICE OF ILLINOIS.

BY ROBERT FERGUS.

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27 Sept. 67

JOHN DEAN CATON.

The career of Ex-Chief-Justice Caton, of Illinois, has been signalized by arduous labors and by deserved success. If the details of his life could be laid before the world, they would afford a record to be commended to every young man who is struggling with adversity, and is desirous of creating for himself an honorable name. At the age of fifty-two, he voluntarily resigned the highest judicial position in the State, at a time when his mind was capable of putting forth its most vigorous manifestations, and when his physical powers were unimpaired. He has stamped the impress of his mind upon the jurisprudence of the State; and in the volumes of the Reports which contain his decisions, there is not a page which his warmest friends would seek to blot, not a sentence which betrays the spirit of the partisan judge. No man ever illustrated more admirably the precept—

“Justum et tenacem propositi virum;”

no man ever held the scales of justice with a steadier equipoise.

John Dean Caton was born on the 19th of March, 1812, in the town of Monroe, Orange County, New York. His father's name was Robert Caton, whose immediate ancestor, of the same name, was born in Ireland, and emigrated to Maryland before the Revolutionary War. He ultimately settled in Virginia, and became possessed of a plantation on the banks of the Potomac, where the father of the subject of our memoir was born, March 22, 1761.

Upon the breaking out of the Revolutionary War, Robert Caton, the son, and his brother John, ran away from the paternal roof and joined the American army, then encamped before Boston, and remained with it until, on the declaration of peace, it was disbanded. The two brothers then took up their residence in the vicinity of the Hudson

River, Orange County, New York, where the father of Judge Caton passed the remainder of his life.

Robert Caton was married three times, his last wife being Hannah Dean, and the issue of this marriage was four children—two daughters and two sons—the elder of whom is the subject of this notice. At four years of age, young Caton left the place of his birth, which he did not again revisit until after the lapse of twenty years. This change in his circumstances was brought about by the death of his father, when his mother, with four orphan children, removed near Brothertown, in what was then the town of Paris, in Oneida County, New York. Here she rented part of a house, with about an acre of land attached, of her brother. Her straightened circumstances required the exercise of the strictest economy; and every member of the family, so soon as able, was required to contribute to make the little patrimony self-supporting. Here Caton's boyhood was passed, and here in the district-school his mind received the first rudiments of knowledge. He was kept pretty constantly in attendance upon this school until he was nine years old; but he confessed that, from his disinclination to study, this became a difficult task.

Mrs. Caton, as well as her husband, belonged to the Society of Friends; and among the visitors to her humble abode was Solomon Bass, who resided at Smyrna, Chango County. Attracted by the appearance of the boy, or wishing to relieve the mother of a portion of her burden, he persuaded her to let the lad accompany him home, promising to bring him up as a farmer. This was in March, 1821.

Friend Solomon's farm was anything but an earthly paradise. It was situated in the midst of hills, covered with gloomy forests, in which a small clearing had been made and a rude cabin erected. The boy found ample occupation in bringing water to the house from a neighboring stream, in driving cattle up the hill-sides to enable them to browse, in cutting fire-wood, and in tending the fires of the sugar-camp, where the sap of the maple was gathered and evaporated. So onerous were the tasks imposed upon him by Friend Solomon, in carrying pails, that to this day the man cannot straighten the muscles of his fingers; and so great the exposure to which he was subjected, that his feet became frosted and the flesh in places came off. When-

ever the Judge refers to this episode in his life, it is with a feeling of shuddering.

At the end of nine weeks the boy was returned, with frosted feet and crushed spirits, to the maternal roof, where he once more received that love and kindness which a mother only can bestow. In the spring of 1823, he "hired out" to a Mr. Saxton as a farm-hand, at three dollars a month; but this engagement abruptly terminated, for the boy being directed to harrow the *greensward* in a certain field, which consisted of part meadow and part sod-land ploughed or broken up the previous fall, effectually tore up the meadow, much to the indignation of the proprietor. The result, however, was that he mowed a larger crop of hay than he had been able to obtain for many years previously; but Mr. S. concluded that he could dispense with his further services. Thus time passed on, the lad working alternately for the neighboring farmers and attending the district-school, until he arrived at the age of fifteen; when his mother, in obedience to the provisions of their father's will—by which it was required that the two boys, on arriving at a suitable age, should be put out to learn a trade—apprenticed John to Job Collins, a saddler and harness-maker, residing at Smyrna, a place by no means associated in the mind of the lad with agreeable recollections. The boy proved an apt apprentice; and studying the philosophy of a harness and the strain which the several parts are required to endure, he suggested many changes which his master was not loath to adopt.

But young Caton had an ambition that his life had higher aims than to become a "horse-tailor," and without determining what his future course should be, he resolved to terminate his engagement with Job—honorable if he could, but at all events to terminate it; and an accident, as it were, enabled him to accomplish his resolution. He was seized with a severe cold, which culminated in an inflammation of the eyes; but for some inexplicable reason, after the inflammation had subsided, his eye-sight was left so impaired that he *spoiled nearly every job he undertook*; and when Job saw no hopes of an amendment, he rather urged the departure of his apprentice, and kindly suggested that, as his physical powers were unimpaired, he might succeed in some occupation requiring muscle but not clear eye sight—say the occupation of a *butcher*. Transferred

once more to his home, as if by a miracle his sight returned; and from that time to the present hour, the Judge has never suffered from weak eyes. He found that his mother had already resolved to remove to Utica and there open a boarding-house; and he lent her all the aid in his power in effecting the removal, while he remained in the region working for a Mr. White. That fall he took a decided step toward personal independence. Having hired the horses and wagon of his employer, he became a common carrier, transporting highwines between Waterville and Utica; but ere long he formed a connection with a Mr. Green, to peddle his wooden wares through the adjoining counties.

In 1829, however, he joined his mother at Utica. He entered the academy there, and for the first time applied himself resolutely to study, commencing with English grammar, arithmetic, and surveying. Here he remained nine months, when he had become so far a proficient in surveying that by odd jobs he was enabled to add to his scanty funds. His preceptor regarded him as qualified to teach; and accordingly young Caton proceeded to Ovid, near the residence of his uncle, where he succeeded in securing the charge of a district-school. Gathering up his earnings for the winter, which netted him about thirty dollars, he returned to the scenes of his childhood, where he again "hired out" on a farm; but having the misfortune to cut his foot, in the fall he proceeded to Rome and became a pupil of Mr. Grosvenor, where he first entered upon a classical course of study. That winter he was again occupied in teaching, and in the spring, resumed his connection with Mr. Grosvenor.

Thus, then, with these slender means of education, he took the next step toward the active duties of life. In December, he entered himself in the office of Beardsley and Mattison, as a student at law, and was enabled to add to his scanty fund, by practicing before Justices of the Peace; and subsequently he entered the office of James H. Collins, Esq., who allowed him a compensation for office-work.

Having acquired the rudiments of law so far as to enable him to enter on its practice, young Caton set his face Westward, and arrived at Chicago in June 19, 1833. With the exception of Judge Spring, who had preceded him a few

weeks, he was the first lawyer to hang out his "shingle" in that city, where now the members of that profession are to be counted by the thousands. He brought the first suit ever instituted in the Circuit Court at that place. In the fall of that year, he obtained his license to practise, from Judges Lockwood and Smith, making a long journey to Greenville, Bond County, for that purpose.

In July, 1835, he married Miss Laura A., daughter of Jacob Sherrill, Esq., of New Hartford, Oneida County, New York.

In 1836, the first house was erected by him on the "school section," west of the Chicago River.

Judge Caton had inherited from his parents a sound constitution and more than ordinary physical powers, and he was thus enabled to endure without exhaustion an almost unlimited amount of physical or intellectual exertion; but by an unfortunate exposure he contracted a severe cold, which was succeeded by a fever which brought him to the verge of the grave, and permanently impaired his constitution. His physician prescribed less devotion to office-work, as a *sine qua non* to his recovery; and accordingly, in 1839, Judge Caton moved on to a farm in the country where he resided until 1842, meanwhile keeping up his practice in three or four of the neighboring counties. His health becoming restored by this out-door life, he again returned with renewed zeal to his profession; and such was the estimation in which he was held, that when, in 1842, Judge Ford, of the Supreme Court of the State, was elected Governor, Judge Caton was appointed his successor. He was then but thirty years of age; and at such a moment, in reviewing his past life—the struggles which he had undergone in lifting himself by his own exertions alone out of the depths of poverty; gathering the rudiments of an education at the district-school, rounded off by a term or two at a select-school; then, still struggling on, a student at law practicing before a Justice's Court, or performing cleri-

* Judge Lockwood examined the candidate on a moonlit evening, they standing on either side of a low, oak swamp on the bank of the Illinois River, at Pekin, in Tazwell County. At its conclusion, he said, "Young man, I shall give you a license, but you have a great deal to learn to make you a good lawyer. If you work hard you will attain it, if you do not you will be a failure." In nine years from that time he was sitting beside Judge Lockwood on the Bench of the Supreme Court.

cal labor to gain a support,—it must have awakened in him a feeling of proud satisfaction thus to find himself elevated to a post of such grave responsibility. At that time, the Judges of the Supreme Court were elected by the General Assembly, and the commission which had been conferred on Judge Caton expired with the adjournment of that body, when John M. Robinson, who had just retired from the Senate of the United States, was chosen to that position; but as that gentleman died the following April, Judge Caton was again commissioned by Governor Ford as his successor. The gravest objection to electing Judge Caton in the first instance had been that he was too young; but now, with a commission which was to continue nearly two years, he had the opportunity of demonstrating his fitness for such a position. But, suffice it to say, that at the next session of the Legislature, he was elected by the united vote of his party.

In 1848, the Constitution of the State was revised, and the Judiciary system was so far altered as to provide for the creation of a Supreme Court composed of three Judges, elected by the people, and who were relieved from Circuit duties. At the first election, S. H. Treat, now United States District Judge for the Southern District of Illinois, Lyman Trumbull, now a Senator of the United States from the same State, and Judge Caton, were chosen as the members to constitute the Supreme Court. At the first session, it was required that they cast lots for the respective terms of three, six, and nine years. The short term fell to Judge Trumbull; the middle term to Judge Caton; and the long term to Judge Treat, who became Chief-Justice. The latter resigned in April, 1855, when Judge Caton succeeded to his rank, and so continued until the expiration of his commission, which occurred in June of that year. He was reelected to the position of Judge, and in 1857, on the resignation of Chief-Justice Scates, he again became the head of the Bench, and continued to occupy that position until 1864, when he resigned.

Thus, after an almost uninterrupted service of twenty-two years, Chief-Justice Caton, in the vigor of life and with mental powers unimpaired, retired from the active duties of a profession, which had been the great object of his devotion and which he had adorned by his example, to indulge in other pursuits less exhausting in their nature and

more congenial, perhaps, to those who do not feel the spur of necessity. And yet, exacting as were his judicial duties, Judge Caton, having early learned how to economize his time, was enabled to turn his attention to other pursuits, and to identify his name with many of the leading projects of the day.

In 1849, he became incidentally interested in the O'Reilly Telegraph Company, and, much against his wishes, was elected a director. He found himself one of a board who knew little of the principles of the art of telegraphy, or of the manner in which the business should be conducted. But Judge Caton had that inquisitive mind which could not rest content until it had penetrated to the hidden causes of things. He got such books as could be procured, treating of electricity and galvanism, and mastered their contents; and at the same time he instituted a series of experiments as to the best methods of transmitting intelligence by means of this subtle and invisible fluid. He became sufficiently expert as an operator to be able to transmit and interpret messages. At that time the register was in universal use, and the operator who could read by sound was regarded as a prodigy.

This company was organized under the name and style of "The Illinois and Mississippi Telegraphic Company." Their line was cheaply built and of poor materials. Their business was not sufficient to pay expenses, and their stock drooped lower and lower, until it hardly showed a symptom of vitality. At a meeting of the board of directors, at Alton, in 1852, the affairs of the company were found to be in a most desperate condition;—the treasury was empty, very few of the offices paid expenses, not half of the lines were worked, there was a floating debt of seventeen thousand dollars, the company's credit was so low that not a druggist would trust them for a pound of acid, and it was the opinion of every one, except Judge Caton, that the enterprise had proved a total failure, and that the only available assets to offer to the creditors were the instruments. He, however, took a more cheerful view, and sketched out a plan to retrieve the desperate fortunes of the company. He proposed that an amendment to the charter be procured by which the stock might be assessed to the extent of five dollars a share, with power to sell in case of non-payment. The board assented to the plan,

on the condition that Judge Caton would assume the presidency and execute it. This he consented to do. The amendment was obtained, an assessment of two dollars and one-half was levied, enough was voluntarily paid to get the lines in working order, and under a rigorous supervision the affairs of the company began to brighten and its credit to improve. To accomplish this, Judge Caton not only drew largely on his private means, but borrowed largely of his friends,—so confident was he as to the ultimate value of this stock under good management.

To replace the hard-wood telegraph poles that were ready to tumble down, he visited in person the cedar swamps on the north shore of Green Bay, exploring the rivers in a bark canoe paddled by Indians, and there contracted for a large supply of cedar poles to be delivered in Chicago. He entered into negotiations with railroad companies contiguous to the lines to remove them within their right of way; he secured the unappropriated territory in Illinois, Iowa, and Minnesota, and made contracts on his own account with companies, whose roads were then constructing, to place the telegraphic wires along their lines; so that ere long he had a greater length of line than was owned by the old company. But both of these interests were subsequently consolidated. Under the vigorous superintendence of Judge Caton, the telegraph company became dividend-paying, and in 1867, a negotiation having been effected by which these lines were leased to the Western Union Company, Judge Caton retired from its active management.

Judge Caton, amid the scenes of an active life, has found time to indulge in a course of varied reading; and upon the well-filled shelves of his library there is hardly a book which he has not read, and many of them at least twice over. He has devoted much time to natural history. His communication to the Ottawa Academy of Sciences, on the *Cervidae* or deer family of the United States—particularly in reference to the common deer (*Cervus virginianus*) and the American elk or wapiti (*Cervus canadensis*), two representatives with which his ample parks are stocked—is of exceeding interest. It is well known that this family, with the exception of the giraffe, have solid horns, and at the same time they are deciduous—that is, they are shed each year. Judge Caton has noted, more exactly than any pre-

vious observer, how the horns are first covered with skin similar to that upon the rest of the head—what hunters call “being in the velvet;” the progress of development of the bony tubercles at their base; and how, as they enlarge, they compress and obliterate the blood-vessels* of the skin, which peels off, leaving the horns bare and bony; and how, when the circulation of the blood ceases, or nearly so, they drop off, to be succeeded by a new growth. These changes are minutely noted in the paper referred to, which really form a valuable contribution to natural history.

The salient points of Judge Caton’s character may be briefly summed up: He possesses a mind not naturally brilliant, but solid, capacious, and investigating, united to a physical frame capable of great endurance. What he has accomplished has not been the result of inspiration, or of the possession of that faculty which we call genius—which, by the way, is a very vague term—but of patient thought, advancing step by step to a given goal. The power of discriminating between what is substantial and what is merely accessory, in a combination of facts, he possesses in an eminent degree; and hence his decisions, whilst they may not bristle with citations, are characterized by eminent good sense, and will stand the test of time. The very habits of self-reliance which, from early youth, he was compelled to cultivate, impart additional vigor to his mind and confidence to the conclusions in which he rests; and at the same time he has that intuitive sense of right and wrong, that sturdy honesty of purpose, which cannot be broken down by legal technicalities nor perverted by legal sophisms.

Viewed in other phases, we find in him the practical and sagacious business man, capable of originating and directing the most complex affairs;—founding a vast system of telegraphy; engineering water-works; organizing starch-factories, glass-works, copper-mines, coal-mines, and other enterprises; and in fact his whole nature is pervaded by a restless activity.

* This is a mistake of the author; and is an old theory of naturalists, that the enlargement of the bone compresses the outer blood-vessels of the horn, which are thus destroyed, and, in consequence, the horn drops off. This paper disproves that theory, and shows that the horn is loosened by the action of the blood-vessels which pass into the articulation between the pedicle and the horn. This is more fully shown in his subsequent and more elaborate work, “The Antelope and Deer of America,” pp. 167–181. In this work the whole process of the growth and casting of the deer’s horns is particularly described.

He is also a country gentleman, surrounded by his flocks and herds, and his ample parks are stocked with deer and elk, whose habits he notes and describes with the trained eye of the naturalist.

Many years ago, he selected as a place for a residence one of the bluffs which overlook the rich valley of the Illinois. Here, surrounded by alternate groves and lawns, he erected a fine mansion, a portion of which is set apart for a library. This site is one of great natural beauty, and has been rendered more beautiful by art. A mile off, and bristling with activity, lies one of the most beautiful villages of Illinois; and taking the whole panorama within the range of vision, nature nowhere presents a lovelier scene. Here, then, Judge Caton lives, possessed of all the accessories which make life agreeable, and beloved and respected by his numerous friends and neighbors, who are ever welcome to his hospitable board. As he reviews his past career, his thoughts can not be other than those which result from the recollections of a well-spent life.

Since the above sketch was written, in 1870, Judge Caton has devoted much of his time to travel and to literary and scientific pursuits, still keeping up, however, his law-reading, and attending to some important cases in the courts.

When he had retired from judicial life, an important question had to be decided as to his future. His literary tastes and laborious habits forbade the thought that he should abandon letters and devote his entire time to the many business enterprises in which he was engaged. His professional friends strongly advised him to write treatises on some branches of the law, as, for instance, the law of corporations, and especially as applied to railroads and telegraph, to do which they thought him well qualified. But however agreeable this might have been to his tastes and habits, he finally concluded to pursue a different course, and to direct his studies more to literary and scientific subjects. He had always been a great reader, upon a great variety of subjects outside of his profession. He generally had several books upon different and dissimilar subjects in hand, and some portion of almost every day of his life was devoted to their perusal—yes, their study. In this way an immense amount of work may be accomplished in thirty years' time, if that work is done with a discriminating judg-

ment, with the aid of a retentive memory. He had early schooled himself, with severe discipline, to think of but one thing at a time—to study or think upon one subject without the intrusion of any other subject, no matter how engrossing might have been his interest in it, and when he had finished or pursued that as long as he chose, to lay it aside completely to take up another precisely where he had left it off when it had last occupied his thoughts, and devote all his mental energies to that alone. For instance, after the mind had become weary with wrestling with some abstruse or difficult question of law, he would banish it entirely from his thoughts, and take up the subject of some telegraphic plan he was maturing, or why the prairies are not covered with trees, or some book he had in hand, as Livingston or Speke in Africa, or Perry or Back in the Arctic regions, or some work on navigation or hydraulic engineering, or some other of the various studies in which he was always engaged, or some literary work, as history or the classics, and instantly his mind was completely absorbed with the new subject, without the least intrusion of any other. Such diversion was not a labor but a recreation, from which the mind would return to the main subject of study, rested and invigorated. His rule was never to pursue a study when the mind was wearied with it.

This capacity of mental abstraction he has always insisted is the true secret why some men are enabled to do a very large amount of varied business, and do all well.

Thus we see that at the time of his retirement from judicial life, at fifty-two years of age, this habit of study had laid a good foundation for literary and scientific pursuits.

Up to this time, it must be remembered, that he had written scarcely anything but law arguments and law opinions. For this class of writings he had formed a style peculiar to himself, lucid, argumentative, and methodical. If it was vigorous it was easy and agreeable as well, and the reader had no trouble in following the writer closely, and without an effort. Now, however, when he proposed to write on an entirely different class of subjects, it was necessary to adopt a quite different style of composition. This he did, and with marked success. This style is not an imitation of that of any other author, but is quite original. It is easy, simple, and unaffected, though vigorous and often pungent. It is so plain as to be easily understood, but

varying to a certain degree with the character of the subject treated of, whether narrative, descriptive, reflective, imaginative, or philosophical. On occasion his compositions fall into a sort of cadence or rhythm—on the whole his style is easy, clear, and unaffected.

His first effort in this new style is found in his address to the Bar on his retirement from the Bench, and is the first selection in his "Miscellanies," selected and published by Houghton, Osgood & Co., Boston, in 1880. We extract two small paragraphs closing this address:

"I can not express my sensibilities at parting with my present associates. Long and anxious labors and weighty responsibilities have we for years shared together, each earnestly endeavoring to assist all in the discharge of duties. So has grown up among us a warm personal friendship, which has greatly lightened our labors.

"At last, gentlemen, I go down from this high place with many regrets. I now hold my fifth commission on this bench. Twice have I held the position of Chief-Justice the last time for more than six years. Here have I labored more than two-fifths of my whole life. Long habits and present associations and remembrances have struggled hard to dissuade me from the course which I have finally adopted, but I felt it my duty at last to yield, and other considerations have prevailed. I fully appreciate that this is a place worthy of any well-regulated ambition. A wholesome desire for an enduring fame may here find a theatre in which it may toil to a useful purpose, and with a well-grounded hope of attaining so desirable an end. I resign the great trusts which have been reposed in me with the comfortable reflection that I have discharged them with fidelity and with the utmost ability with which I have been endowed."

His official announcement of the death of Abraham Lincoln, on behalf of the Bar, to the Supreme Court, has been generally admired. A couple of extracts will illustrate its style and character. In the first we see his figurative mode of expressing thought:

"Little more than four years ago he was, by the voice of the American people, taken from among us at the bar and placed over this great nation. In administering the affairs of this government, he has, undoubtedly, displayed a very high order of ability. At the very commencement of his administration a great rebellion broke out, and presented

the question whether the light of this Republic, which had for a few years shone so brightly, was but the brilliant flash of a meteor to illuminate the political horizon of a civilized world for a moment, and then to go out in darkness, or was the fixed shining of a luminary which should point out to future ages the pathway to liberty, prosperity, and happiness. With the aid of the great men, whose names history will write on the same page with his own, and the support of a patriotic people, he had put down the rebellion, and already saw the angel of peace arising 'with healing in his wings' to bless his native land, when he was struck down by an assassin's hand. He is mourned by a whole nation as few have been mourned before him."

"His personal characteristics were of the most pleasing kind. His heart was full of benevolence, and he was ever prone to put the most favorable construction upon the frailties of his fellow-men. His hand was open to relieve the unfortunate, and his efforts were at the service of those in distress. By his genial nature he enlivened every circle of which he was a member, where he was ever welcome. Who of this bar does not remember him as of yesterday, when he was among us relieving the hard labors of the profession by his enlivening presence? He will ever be remembered as one of our brightest ornaments, whose practice reflected honor upon the profession. If these elements of character inspired love for him as a professional brother, how much must they have endeared him to his own domestic circle—around his own fireside? If we feel his loss as irreparable, where but in God can be found the consolation for his loss as a husband and a father? Those bereaved ones may well look to us, who next to themselves knew him best of all, for that deep and abiding sympathy which tends to soften the most poignant grief; and they will not look in vain. Nor to his professional brethren alone may they look for sympathy. With them and us a nation mourns his untimely end. I may say, without the least exaggeration, that humanity and civilization throughout the world will feel the shock which has draped our nation in the habiliments of woe."

His address at Hamilton College, in 1868, on "The Growth of the Law," found in the "Miscellanies" at p. 32, has been commended by the faculty of that college as a model. In the opening of this address we get a very distinct glimpse

of the early struggles of the author. His childhood had been passed in the vicinity of that college, and in his youth he had worked by the month on an adjoining farm, and by these surroundings was his ambition first awakened to place himself, by his own efforts, on a plane with those who were there afforded the advantages for an education, which were denied to him, and, when after long years of labor had intervened, was conferred upon him unsolicited the degree of Doctor of Laws by that college whose walls he had longingly looked upon in boyhood, but whose portals he could not enter, he should be pardoned if he experienced a feeling of gratification, not to say exultation, which was enhanced by the action of the Western alumni of that college, who had selected him to represent them in the delivery of that address, and the favor with which it was received :

"After long years of absence, filled with the trials and the vicissitudes of life, whether successful or unsuccessful, we return to the scenes of childhood with emotions indescribable. Objects long forgotten rise up around us, each with a tale of pleasure or of pain. They remind us of our early efforts, of our little triumphs, and of our many pleasures. We forget the intervening years, with all their varied incidents, and, as in a dream, are transported back to that time when a trifle was a mountain of trouble, a toy was a fountain of joy. But with those even whose cares commenced almost with infancy, and who early knew privations, the period of childhood is the time when happiness predominates; hence are the scenes of childhood and the memories of early years so pleasing. In truth there is no wide difference between the joys and the griefs of the children of affluence and the children of indigence. The latter surely have as many hours of pleasure, and no more moments of pain, than the former. The improvised playthings of the one are as gratifying as the finished toys of the other. The sorrows of childhood are generally transitory. They flit by, leaving scarcely more trace than the shadow of the passing cloud, while juvenile joys leave impressions like sunlight pictures, passing before us in after years like a pleasing panorama of by-gone scenes." The green, wild lawn where we played our little sports; the old, dark wood whose shade we sought; the apple-tree whose fruit we gathered, 'are still to memory dear,' though changed they may be, or even gone, some of them, forever; enough is left as it was in the sunny

time of childhood to revive within us the record of the past. The most pleasing and the most lasting of all these memories are the reminders of parental love. If some of us can not remember a father's face and a father's voice, the memory of a mother's kiss and of a mother's blessing may still glow warmly in our hearts, whose brightness time or change shall never fade. Surely it is no unmanly weakness, nor beneath the dignity of age, to be for a moment a child again."

"When God stood on quaking Sinai, from out the fiery cloud he declared his laws for the government of his peculiar people, and with his divine finger he registered these in visible characters on slabs of stone, and by the hand of his chosen instrument published them to all the tribes of Israel. Worthy indeed is it that the first of all the written codes to control the conduct of fallen man should come from that Divine Legislator who had already, and from the beginning, graven on all human hearts the fundamental principles of right and wrong. Till then, not only the descendants of Abraham, but also, as I have no doubt, the polished people of Egypt, as well as the peoples and tribes of Asia and of Europe, were governed by a few simple laws, told only from the mouth of man, which were often perverted and distorted by rulers to gratify their ambition, their avarice, or their pleasures."

An extract from the "Last of the Illinois" will, describing the Pottawatomie Indians, show his style of descriptive writing:

"Since their emigration from the north, a sort of distinction had grown up among the different bands of the Pottawatomies, arising from their several locations, which seem to have stamped upon their tenants distinct characteristics. Those occupying the forest lands of Michigan and Indiana were called by themselves and by the traders, the Indians of the Woods, while those who roamed these great grassy plains were called the Prairie Indians. The former were much more susceptible to the influence of civilization than the latter. They devoted themselves, in a very appreciable degree, to agriculture, and made the tillage of the soil to supplement the fruits of the chase. They welcomed the missionary among them with a warm cordiality. They listened to his teachings, and meekly submitted to his admonitions. They learned by heart the story of our crucified Redeemer, and with trembling voices recounted to each other the sufferings of the cross. They bent the knee and

bowed the head reverently in prayer, and raised their melodious voices in sacred songs taught them by the holy fathers. They received the sprinklings with holy water, and partook of the consecrated elements, believing devoutly in their saving grace. They went to the confessional with downcast looks, and with deep contrition told the story of their sins, and with a radiant joy received the absolution, which, in their estimation, blotted out their sins forever. Here, indeed, was a bright field of promise to those devoted missionaries, who deeply felt that to save one human soul from the awful doom which they believed awaited all those who died without the bosom of the church was a rich reward for a whole life of pinching privation and of severe suffering; and their great ambition was to gather as many redeemed souls as possible to their account, each of which should appear as a bright jewel in the crown which awaited them in the future state.

“It was very different, however, with the Prairie Indians. They despised the cultivation of the soil as too mean even for their women and children, and deemed the captures of the chase the only fit food for a valorous people. The corn which grew like grass from the earth which they trod beneath their feet was not proper meat to feed their greatness. Nor did they open their ears to the lessons of love and religion tendered them by those who came among them and sought to do them good. If they tolerated their presence, they did not receive them with the cordiality evinced by their more eastern brethren. If they listened to their sermons in respectful silence, they did not receive with eager gladness the truths they taught. Even if they believed for the moment what they were told, it made no permanent impression on their thoughts and actions. If they understood something of the principles of the Christian religion which were told them, they listened to it as a sort of theory which might be well adapted to the white man’s condition, but was not fitted for them, nor they for it. They enjoyed the wild, roving life of the prairie, and, in common with almost all other native Americans, were vain of their prowess and manhood, both in war and in the chase. They did not settle down for a great length of time in a given place, but roamed across the broad prairies, from one grove or belt of timber to another, either in single families or in small bands, packing their few effects, their children, and infirm on their little Indian ponies. They always traveled in Indian file upon

well-beaten trails, connecting, by the most direct routes, prominent points and trading-posts. These native highways served as guides to our early settlers, who followed them with as much confidence as we now do the roads laid out and worked by civilized man."

Again, for the same purpose, we copy from the same paper a description of a war-dance, as follows :

"I shall close this paper with an account of the great war-dance which was performed by all the braves who could be mustered among the five thousand Indians here assembled. The number who joined in the dance was probably about eight hundred. Although I can not give the precise day, it must have occurred about the 18th of August, 1835. It was the last war-dance ever performed by the natives on the ground where now stands this great city, though how many thousands had preceded it no one can tell. They appreciated that it was the last on their native soil—that it was a sort of funeral ceremony of old associations and memories, and nothing was omitted to lend to it all the grandeur and solemnity possible. Truly, I thought it an impressive scene, of which it is quite impossible to give an adequate idea by words alone.

"They assembled at the council-house, near where the Lake House now stands, on the north side of the river. All were entirely naked, except a strip of cloth around the loins. Their bodies were covered all over with a great variety of brilliant paints. On their faces, particularly, they seemed to have exhausted their art of hideous decoration. Foreheads, cheeks, and noses were covered with curved stripes of red or vermilion, which were edged with black points, and gave the appearance of a horrid grin over the entire countenance. The long, coarse, black hair was gathered into scalp-locks on the tops of their heads, and decorated with a profusion of hawk's and eagle's feathers, some strung together so as to extend down the back nearly to the ground. They were principally armed with tomahawks and war-clubs. They were led by what answered for a band of music, which created what may be termed a discordant din of hideous noises, produced by beating on hollow vessels and striking sticks and clubs together. They advanced, not with a regular march, but a continued dance. Their actual progress was quite slow. They proceeded up and along the bank of the river, on the north-side, stopping in front of every house they passed, where they performed some extra exploits.

They crossed the North Branch on the old bridge, which stood near where the railroad bridge now stands, and thence proceeded south along the west-side of the bridge across the South Branch, which stood south of where Lake Street bridge is now located, which was nearly in front, and in full view from the parlor windows of the Sauganash Hotel. At that time this was the rival hotel to the Tremont, and stood upon the ground lately occupied by the great Republican Wigwam where Mr. Lincoln was nominated for the presidency—on the corner of Lake and Market Streets. It was then a fashionable boarding-house, and quite a number of young married people had rooms there. The parlor was in the second story fronting west, from the windows of which the best view of the dance was to be obtained, and these were filled with ladies as soon as the dance commenced. From this point of view my own observations were principally made. Although the din and clatter had been heard for a considerable time, the Indians did not come into view from this point of observation till they had proceeded so far west as to come on a line with the house, which was before they had reached the North-Branch bridge. From that time on, they were in full view all the way to the South-Branch bridge, which was nearly before us, the wild band, which was in front as they came upon the bridge, redoubling their blows to increase the noise, closely followed by the warriors, who had now wrought themselves into a perfect frenzy.

“The morning was very warm, and the perspiration was pouring from them almost in streams. Their eyes were wild and bloodshot. Their countenances had assumed an expression of all the worst passions which can find a place in the breast of a savage; fierce anger, terrible hate, dire revenge, remorseless cruelty, all were expressed in their terrible features. Their muscles stood out in great hard knots, as if wrought to a tension which must burst them. Their tomahawks and clubs were thrown and brandished about in every direction, with the most terrible ferocity, and with a force and energy which could only result from the highest excitement, and with every step and every gesture they uttered the most frightful yells, in every imaginable key and note, though generally the highest and shrillest possible. The dance, which was ever continued, consisted of leaps and spasmodic steps, now forward and now back or sideways, with the whole body distorted into every imaginable unnatural position, most generally stooping forward, with the head

and face thrown up, the back arched down, first one foot thrown far forward and then withdrawn, and the other similarly thrust out, frequently squatting quite to the ground, and all with a movement almost as quick as lightning. Their weapons were brandished as if they would slay a thousand enemies at every blow, while the yells and screams they uttered were broken up and multiplied and rendered all the more hideous by a rapid clapping of the mouth with the palm of the hand.

"To see such an exhibition by a single individual would have been sufficient to excite a sense of fear in a person not over nervous. Eight hundred such, all under the influence of the strongest and wildest excitement, constituting a raging sea of dusky, painted, naked fiends, presented a spectacle absolutely appalling.

"When the head of the column had reached the front of the hotel, leaping, dancing, gesticulating, and screaming, while they looked up, with hell itself depicted on their faces, at the '*chemokoman squaws*' in the windows, and brandished their weapons as if they were about to make a real attack in deadly earnest, the rear was still on the other side of the river, two hundred yards off; and all the intervening space, including the bridge and its approaches, was covered with this raging savagery glistening in the sun, reeking with streamy sweat, fairly frothing at their mouths as with unaffected rage, it seemed as if we had a picture of hell itself before us, and a carnival of the damned spirits there confined, whose pastimes we may suppose should present some such scenes as this.

"At this stage of the spectacle, I was interested to observe the effect it had upon the different ladies who occupied the windows almost within reach of the war-clubs in the hands of the excited savages just below them. Most of them had become accustomed to the sight of the naked savages during the several weeks they had occupied the town, and had even seen them in the dance before, for several minor dances had been previously performed, but this far excelled in the horrid anything which they had previously witnessed. Others, however, had but just arrived in town, and had never seen an Indian before the last few days, and knew nothing of our wild Western Indians but what they had learned of their savage butcheries and tortures in legends and in histories. To those most familiar with them, the scenes seemed actually appalling, and but few stood it through

and met the fierce glare of the savage eyes below them without shrinking. It was a place to try the human nerves of even the stoutest, and all felt that one such sight was enough for a lifetime. The question forced itself on even those who had seen them most, what if they should, in their maddened frenzy, turn this sham warfare into a real attack? How easy it would be for them to massacre us all, and leave not a living soul to tell the story. Some such remark as this was often heard, and it was not strange if the cheeks of all paled at the thought of such a possibility. However, most of them stood it bravely, and saw the sight to the very end; but I think all felt relieved when the last had disappeared around the corner as they passed down Lake Street, and only those horrid sounds which reached them told that the war-dance was still progressing. They paused in their progress, for extra exploits, in front of Doctor Temple's house, on the corner of Lake and Franklin Streets; then in front of the Exchange Coffee House, a little further east on Lake Street; and then again in front of the Tremont, at that day situated on the northwest corner of Lake and Dearborn Streets, where the appearance of the ladies in the windows again inspired them with new life and energy. From thence they passed down to Fort Dearborn, concluding their performance in the presence of the officers and soldiers of the garrison, where we will take a final leave of my old friends, with more good wishes for their future welfare than I dare hope will be realized."*

Among the scientific papers embraced in this collection by Houghton, Osgood & Co. may be mentioned his "Origin of the Prairies," "The American Cervus," "The Wild Turkey and Its Domestication," "The Philosophy of the Yosemite Valley," and "The Philosophy of the Petrified Forest of California," but the publishers have selected but few of his scientific papers, which have appeared in the various scientific journals of our country.

His most elaborate and complete work, which has been laid before the public, is "The Antelope and Deer of America," published by H. O. Houghton & Co., Boston, in 1877. This work embodies the results of many years of careful observation of these animals, under exceptionally favorable circumstances, having long had them in large numbers in his acclimatization grounds, at his residence in Ottawa. The book contains nearly one hundred well-executed illustrations. It has been received with great favor

* FERGUS' HISTORICAL SERIES, No. 3, p. 26-30.

by the scientific world, a second edition having been issued more than a year since. It is accepted as standard authority on the subjects of which it treats. All the reviews of it by the scientific journals, and, indeed, by the newspapers, were of unqualified approbation.

Judge Caton has always had a great fondness for field sports—for hunting and fishing, for camping out, and the wild life of the woods and the mountains, where the wildness of nature remained undefaced, and in the pursuit of his favorite recreation, in hunting the deer and the antelope, he had excellent opportunities for observing these animals in their wild state. To this habit of life, whenever he could find time to indulge in it, he attributes, to a large extent, his robust health at the age of three score and ten.

We here insert a few extracts from his writings to show his great love of natural scenery. From the "Last of the Illinois,"* on page 117 of the "Miscellanies," we quote:

"Wild scenes have always had a charm for me. I have ever been a lover of nature, and the enjoyment of those scenes where prairie and woodland, lake-shore and river were almost everywhere as nature made them, have left behind a pleasing memory which sometimes makes me almost wish that I could live over again my younger days. Since nature's handiwork has been defaced all around us by the hand of civilized man, I love to hie away to distant shores and the far-off mountains, and, with a few friends of tastes similar to my own, enjoy the wild scenery among the rock-bound islands of Puget's Sound, or the still solitude of the high Sierras.

"Who would have thought, at the time of which I speak, that he who then here enjoyed the charms which nature throws over all her works would ever seek the far-off scenes of the Pacific slopes in which to indulge his favorite reveries? There are some who hear me now who remember the lake-beach, with its conical sand-hills covered over by the evergreen juniper, whose fragrance loaded with a rich aroma the soft breeze as it quietly crept in from the rippling waters of the lake. That old lake-shore, fashioned as God had made it by his winds and waves for ten thousand years before, had more charms for me than since the defacing hand of man has builded there broad avenues and great marble palaces, which are as far beneath the works of nature's architect as man himself is beneath Him who made all things well. I thought it then a romantic place fit for the meeting

* FERGUS' HISTORICAL SERIES, No. 3, p. 5.

of native lovers, in which to say soft words, and I felt assured that it was so regarded by them when once I was called upon to unite in wedlock there a happy pair, whose ambition it was to conform to the white man's mode in that solemn rite, and, as the dusky bride explained, to have it last forever.

"As might have been anticipated, neither history nor tradition pretends to go back to the origin of any of the native tribes who occupied this land when first explored by civilized man. At that time, the country where we live was principally occupied by the Illinois Indians, an important people who ranged from the Wabash to the Mississippi, and from the Ohio even to Lake Superior, although there were a great many other tribes occupying the same territory."

Again, for the same purpose, we quote from "The Antelope and Deer of America," page 344, the opening paragraph into the chapter on "The Chase":

"No saint in the calendar has had more devoted or more painstaking disciples than St. Hubert. In savage life, the pursuit of wild beasts, or the capture of fish has always been a necessity, and in all ages and in all civilized countries many persons have found them most exquisite enjoyment in the same pursuit. As a general rule, these persons are lovers of nature unmarred by the hand of man. They love to hear the rushing of mighty waters and they love to hear the cadence of the murmuring brook. They love the deep shade of the primeval forest, and they love the broad expanse of the wild prairie with its green, grassy carpet joined all over with brilliant wild flowers, whose fragrance they inhale with a new delight. The cañon and the mountain crag, where the throes of nature have upheaved the earth's deep crust and thrown all into a wild confusion, as if in anger an almighty hand had there dashed the debris of another world. They love to sleep beneath the old pine tree and listen to the sighing of the wind as it softly creeps through its long and slender leaves, or upon the soft grass, by the side of the sweet spring of water under the broad-spreading oak, the rustling of whose leaves soothe to quiet repose. They love to listen to the raging storm, and see its wild mark all around them; and so they love the soothing influence of the quiet cabin, where nature seems in profound repose, and all is still as the infant's sleep. At the break of day upon the mountain side they love to count the stars and witness the waking of animated nature, when the birds

fly forth to sing and the beasts leave their lairs to seek their food, while yet the dew softens the herbage which they love the best. They love to catch the sun's first rays as they dart from beneath the distant horizon, feeling new life and vigor as they shine upon them, and with swelling heart they watch him rise as if from a bed of rest and cast his smile upon the new-born day. Oh, it is a glorious joy to be where the defacing hand of man has never marred the harmonious beauty which pervades Nature's handiworks. There we look with reverence and awe upon what God has done, and what God alone could do, and rejoice, even in our insignificance, that we are permitted there to contemplate such sublime display. Far away from ever-restless city life, and its surging crowd, and its tainted air, we love to breathe the air of freedom, sweet and uncontaminated, where every breath revives the spirits, stimulates the circulation, awakens the dormant energies, and inspires new life within us. If this be savage life, then am I a savage still. If these be traits of character inherited from remote barbarous ancestors, I rejoice that civilization has failed to strangle what in them was purest and most elevating."

Judge Caton claims to be but an amateur naturalist, and, with a refreshing disregard of the dry technicalities of the professional scientists, he has presented his facts in a popular garb which lends to science a charm, for the general reader who takes an interest in the habits and peculiarities of wild animals as well as to the student of zoölogy.

As an extemporaneous public speaker Judge Caton acquired a fine reputation while at the bar and before he went on the bench, and the old settlers speak of some of his efforts with admiration and enthusiasm, but during his seclusion for nearly a-quarter of a century in the Supreme Court this was quite forgotten, or only remembered by the very few. Indeed a new generation had grown up, who knew nothing of it, who felt some surprise at hearing a voice which had been so long silent addressing them, with a harmonious accent, in an easy and graceful flow of language, with complete and well-turned sentences logically arranged, which would bear printing without correction. This is well illustrated in his speech before the Circuit Court, in the case of *Milward v. Telegraph Company*, the closing part of which was reported for the press at the time, and is given under the head of "A Lawyer's Retrospect" at page six in his "Miscellanies."

"I have now finished what I propose to say in reference to the case. Here our responsibility ends, and that of your Honor commences; but I will crave the indulgence of the court for a brief reminiscence. It is now more than thirty-eight years since I commenced my professional career in the little hamlet where this great city now stands. Its site was then covered with wild grass, or native and tangled shrubs, while the river was broadly bordered with aquatic vegetation, leaving a deep channel along its centre, of clear and wholesome water, which was used exclusively for culinary and drinking purposes. Our two hundred and fifty persons were sheltered in rude cabins or small dwellings, and our only streets consisted of winding tracks along the banks of the river or leading away to the interior.

"Clients were then scarce, but as there were but two of us to do the business, the only rivalry between us was as to who could most zealously serve his client with the greatest courtesy and kindness to each other. The late Judge Spring, who was then my social companion and my only professional competitor, has long since closed his professional career, and passed beyond the precincts of earthly courts, but not until he saw gathered around him a bar distinguished for numbers as well as for its learning. How great the change which these few years have wrought! How few are left of those who lived here then! Their numbers can be told on the fingers of a single hand. With what a throng are their places filled, among whom they are scarcely missed, except by a few old friends who knew them long ago! The village has grown into a great city, where hundreds of thousands are hastening with busy steps through the thronged streets, intent upon the accomplishment of individual enterprises, which aggregate into a great whole and make the wonder of the commercial world. As our profession must of necessity keep even pace with the other affairs of busy men, a long list must be told before its members can be counted.

"This, then, was the only court of record to settle the suits of contending parties, and a single judge, in three days' session, could close the business of the year. Now, seven judges, in almost perpetual session, are unequal to the task. Judge Young was your Honor's first predecessor, and he here held the first court of record in which I ever appeared professionally. Governor Ford was then state's-attorney in attendance, and also from abroad appeared Ben. Mills,

whose smooth flow of eloquence exceeded that of any man to whom I ever listened; there were also William L. May, of Springfield, and James M. Strode, of Galena. James H. Collins had now joined our ranks at home, and he, with Mr. Spring and myself, then represented in this court the Chicago Bar. Though their numbers were but few, many of them have filled large pages in the history of our State, and their names will long be remembered even outside our professional circle. I succeeded Judge Ford upon the supreme bench, when he was elected governor, less than ten years after the time of which I speak, and I sat upon that bench with Judge Young, after he had served a term in the Senate of the United States; and, in 1846, I sat upon the bench which your Honor now occupies, in his place, when he was kept away by sickness. Of all these not one is left! I was the youngest of them all, and I stand here alone, the last representative of the court and bar of Chicago of thirty-eight years ago. Those whom I have named were young men then, full of glowing hope and ardent ambition which rapidly ripened into fruition. They filled their places honorably, and have passed away to their long account. It seems to me but as yesterday, when we all first met together in the unfinished loft of the old Mansion House, just north of where the Tremont now stands; and yet the changes about us have been such as, in other times and in other countries, centuries would not have accomplished. The great advance in the arts and sciences, which one might think had culminated in our day, have made this progress possible, so that only when memory spans the space between now and then does it seem so short; when the mind slowly and carefully retraces the way, noting but the important incidents strewn along the path, then it is that the road seems long. The years of patient and unflagging toil; the thousand obstacles met and overcome; the difficulties and uncertainties attendant upon every step of human progress; the hopes realized or broken; the ambition gratified or blasted; alternate success or failure which have left their record on the human mind,—all these tell us how long the way has been; and as advancing years slowly creep upon us, we feel less and less inclined, were the offer made to us, to take the chances of another journey over the road of life, though the first may have been full of happiness, the memory of which alone is the sweetest joy, and though more than ordinary success may have crowned our efforts.

"The incident to which I have referred may serve to explain why I have felt a desire, after a lapse of thirty years, to appear again, and, probably, for the last time in this court in the simple capacity of a lawyer. Here I commenced my professional life. In this court I first appeared as an advocate. This was the first court of record which I ever addressed, and before it I first addressed a jury. The place, too, has its pleasing associations. Although for many years official duties required my residence in another city, yet Chicago was my first Western home, and has ever seemed more than half a home to me. The uniform kindness, cordiality, and support which I have ever received from her citizens, as well those who came after I left as those who were my neighbors before, have made me always feel at home here; and the respect and consideration which the bar of this city has ever manifested toward me have most keenly touched my sensibilities, and left an indelible impression on my mind. Again have I appeared in the Cook-County Circuit Court, and have done the best I could respecting a client's cause. Again have I received a patient and attentive hearing, and now with gratified satisfaction I retire, deeply sensible of the indulgence shown me, wishing your Honor and my professional brethren long and happy lives, crowned with honor and with usefulness."

Again, his response on behalf of the Old Settlers to the Calumet Club shows with what facility he speaks on the spur of the moment, for he had received no notice of the part he was expected to take till he entered the room that evening.*

*"Gentlemen of the Calumet Club:—*The pleasing duty has been assigned me by my associates of years gone by of expressing our feelings toward you for your kind words and generous hospitality. It is a task I feel quite unable to perform. Words are wanting adequately to express the sensi-

* The Calumet Club, representing the wealth and culture of Chicago, invited to its parlors all persons whose advent to the City dated back of the year 1840, and a special effort was made to bring together at the reception all those whose life had been coincident with the growth of Chicago. A large attendance was secured, and Gen. Henry Strong, in behalf of the club, delivered an address of welcome to the survivors of the founders of Chicago. It was in response to this address that Judge Caton spoke, taking the chair and acting as president during the remainder of the evening.

bilities which are awakened in the bosom of each one of us—whom your generous forethought has brought together here—who forty years or more ago made the little hamlet of Chicago our home, and devoted our energies to laying the foundations of this great city. It is gratifying to us to know that, as we are passing down the road that ends,—where, we can not see, — those who are rising up to take our places in the labors of life feel kindly toward us and appreciate what we have done, or, at least, attempted to do. As I look about me and see gathered here friends of so many years ago, I am transported back to the time when we were all young. Even then there were old men here, at least so they seemed to us, among whom I may recall Col. Jean Baptiste Beaubien, Dr. Elijah D. Harmon, and John Wright. They have long since passed away, but their names should never be forgotten. The old men called us boys then, with more main-spring than regulator, but we thought we were well-balanced men. You call us old men now, but we feel somewhat boyish still. It is a pleasant retrospect to go back in memory forty years—let me go back forty-six years, when I here set my stake and commenced the business of life. There were then not two hundred people here. I was an old resident of six weeks' standing before two hundred and fifty inhabitants could be counted to authorize a village incorporation under the general laws of the State. Colonel Beaubien presided at that meeting, and at his request I sat beside him as prompter, for official honors and responsibilities were new to him.

When we had attained the dignity of a village corporation, with the wild waters of the lake on the one hand, and the broad and brilliant prairie, still untouched by the husbandman's plowshare, on the other, we thought we were a great people, and even then, though feebly, discounted the future of Chicago. Of those who were present at that memorable birth, I rejoice to see many here before me. How can I express our feelings of gratitude to that Divine hand which has so long sustained us, and bounteously lengthened out our days, and again brought us together under conditions of so much happiness, and in the enjoyment of so goodly a measure of health. I think I can count twenty, at least, who were here forty-six years ago, when Chicago had no streets except on paper; when the wild grass grew and the wild flowers bloomed where the court-house square was located; when the pine woods bor-

dered the lake north of the river, and the east sides of both branches of the river were clothed with dense shrubby forests to within a few hundred feet of their junction. Then the wolves stole from these coverts by night, and prowled through the hamlet, hunting for garbage around the back-doors of our cabins. Late in 1833, a bear was reported in the skirt of the timber along the South Branch, when George White's loud voice and bell—he was as black as night in a cavern, his voice had the volume of a fog-horn, and he was recognized as the town-crier—summoned all to the chase. All the curs and hounds, of high and low degree were mustered, with abundance of fire-arms of the best quality in the hands of those who knew well how to use them. Soon Bruin was treed and dispatched very near to where the Rock-Island Depot now stands. Then was the time when we chased the wolf over the prairies now within the city-limits, and I know some here were of the party who pursued one right through the little hamlet and on to the floating ice near old Fort Dearborn. Oh, those were glorious times when warm blood flowed rapidly, no matter how low stood the mercury. Then in winter the Chicago River was our skating-rink and our race-course. Let me ask John Bates over there if he remembers when we skated together up to Hardscrabble,—where Bridgeport now is,—and he explained to me, by pantomime alone, how the Indians caught muskrats under the ice? And let me ask Silas B. Cobb if he remembers the trick Mark Beaubien played on Robert A. Kinzie to win the race on the ice that winter? See, now, how Mark's eye flashes fire and he trembles in every fibre at the bare remembrance of that wild excitement. This was the way he did it. He and Kinzie had each a very fast pony, one a pacer and the other a trotter. Mark had trained his not to break when he uttered the most unearthly screams and yells which he could pour forth, and that is saying much, for he could beat any Pottawatomie I ever heard, except Gurdon S. Hubbard and John S. C. Hogan. The day was bright and cold. The glittering ice was smooth as glass, the atmosphere pure and bracing. The start was about a mile up the South Branch. Down came the trotter and the pacer like a whirlwind, neck and neck, till they approached Wolf Point, or the junction, when Kinzie's pony began to draw ahead of the little pacer, and bets were two to one on the trotting-nag as he settled a little nearer to the ice and stretched his head and neck further out, as if

determined to win if but by a throat-latch. It was at this supreme moment that Mark's tactics won the day. He sprang to his feet in his plank-built pung, his tall form towering above all surroundings, threw high in the air his wolf-skin cap, frantically swung round his head his buffalo-robe, and screamed forth such unearthly yells as no human voice ever excelled, broken up into a thousand accents by a rapid clapping of the mouth with the hand. To this the pony was well trained, and it but served to bring out the last inch of speed that was in him, while the trotter was frightened out of his wits, no doubt thinking a whole tribe of Indians were after him, and he broke into a furious run, which carried him far beyond the goal before he could be brought down. Hard words were uttered then, which it would not do to repeat in a well-conducted Sunday-school, but the winner laughed and pocketed the stakes with a heartiness and zest which Mark alone could manifest.

There is an inspiration in the memory of those glorious days of fun and frolic which quickens the pulse to full youthful vigor, and now to see so many of those around me who were the life and soul of those hilarious times, transports me back to them, and makes me feel as if no long years of toil had rolled along since then. We forget for the moment the intervening time, and remember only the broad, unbroken prairie, which then extended for miles around the spot where this hall stands. But you must not think that all our time was spent in fun and frolic. Our sports were but episodes, while our days and nights were spent in labors inspired and sustained by vigorous health, indomitable will, and a full appreciation of the life-long task before us. We felt and knew that wisdom and energy and industry could alone build up such a city as its geographical position seemed to require. The spirit manifested by those who commenced the work would be likely to make its impress upon the teeming throngs which were already hastening to join us from the East and the South, and the wonderful work wrought by those who joined and came after us, and which have just been so truthfully and so eloquently described, we flatter ourselves were in part at least the followings of what we began.

To us of the olden time, who as your guests feel ourselves so much honored, contrasts are continually presenting themselves. Then and now ever present themselves side by side. Here I commenced my judicial career at the age of twenty-

two as a justice-of-the-peace. On the 12th of July, 1834, a judicial election was held in this town, including the village and surrounding country, for one justice-of-the-peace. The canvass was very warm and active by the friends of the two candidates, though no party politics were involved in the contest, as I think there never should be in judicial elections. One candidate received 172 votes, and the other received 47 votes. But 219 voters could be found in Chicago and vicinity. Probably this was the last election ever held here when every voter came to the polls. Indeed, I regret to say that the most enterprising and thorough-going men here have rarely taken time to go and vote, and their example has been too largely followed, though not by the baser sort. At the last presidential election, three years ago, Chicago polled 62,448 votes, and yet a large number of voters took no interest in the matter, or at least took more interest in their stores or their shops. I doubt if much more than two-thirds of the voters in this City have voted since 1840. How can we resist noticing the contrast between 219 in 1834, and 62,448 in 1876, especially when we remember that the latter number was heavily handicapped.

On that same 12th of July, an event occurred of a commercial character which should render it memorable, and deserves to be recorded. On that day, the first commercial vessel passed the piers into the Chicago Harbor—the *Illinois*, Capt. Pickering. Early on that morning, the friends of the successful candidate assembled at the piers, which consisted of a few wooden cribs, and dragged the schooner across the bar into deep water, where all got on board and sailed in her up the river to the point where the election was held, shouting merrily, and were answered by those on shore manifesting an appreciation of the important event. She was gayly decorated with all the bunting which could be raised, and we thought presented a splendid appearance, the rigging manned by all who could climb the shrouds. This kindled an enthusiasm which lasted till the last vote was polled, and no doubt contributed more to the success than the merits of the candidate. The most active and efficient man on that day, as I remember, was the late George W. Dole, who was always thoroughly in earnest, whether electioneering for a friend or attending to his commercial affairs. His memory should be ever cherished, and his name never forgotten when the founders of this City are recalled.

The contrast of the hotels and of the mode of living in Chicago is scarcely less striking. The first night I slept in Chicago was in a log-tavern, the name such hotels went by then, west of the junction of the rivers, kept by W. W. Wattles. The next day I learned that the best entertainment was to be had at the crack boarding-house of the place, kept by Dexter Graves, at five dollars per week. It was a log-house near the middle of the square, just north of the present Tremont House. If it was a log-house I assure you we had good fare and a right merry time too. There were seven beds in the attic, in which fourteen of us slept that summer, and I fear we sometimes disturbed the family with our carryings on o' nights. I know of but one of those fourteen boarders, besides myself, now living.* Edward H. Hadduck knows who slept with me in that attic. Hadduck was a sly fellow then, for before one of us suspected what he was at, he made sure of the flower of that family, and a real gem of priceless value she was, who still survives to promote the happiness of those around her. Young ladies were in demand here in those days.

The first frame tavern ever built in Chicago was by Mark Beaubien, upon whose geniality advancing years seem to have no influence. I am sure there are some here present who were then his guests. There he kept tavern, to use his own expression at the time, like—(the speaker hesitated. A voice—"How?") Shall I say it, Mark? (Mr. Beaubien answered, "Yes!") Well, then, he said he kept tavern "like hell!"

To go back to that primitive time, and to think of those who are gone and those who are left, we may gratefully acknowledge that a very large proportion have been spared through so many years of active life. General Strong has recalled the names of a number of the prominent early settlers of Chicago who have passed beyond the reach of your hospitality. Allow me to recall the names of two who have been taken from the ranks of my own profession, and who came to Chicago the same year with myself—1833. Their learning and their talents would have made them conspicuous at any bar. All who knew them will join me in paying a tribute of respect to the memories of Giles Spring and James H. Collins. Besides these there were several other lawyers established in Chicago during the same year, among whom I may mention the name of Edward Casey, a

* E. H. Hadduck died May 30, 1881. Aged 70 years.

most genial gentlemen. All of these are long since gone, and I alone am left to represent that earliest Chicago Bar.*

To those who have not been eye-witnesses, it seems incredible that in the adult lifetime of so many of us here present a city of half a million of inhabitants has grown up from nothing, and that what was then a rich wild waste for five hundred miles or more around has been subdued, cultivated, and populated by millions of hardy, industrious, and intelligent agriculturists. The marvel is the growth of the country rather than the city. The latter was compelled by the former, and indeed has never kept pace with it.

Still, to those who have witnessed all this, it seems more like a dream than a reality. Many who have not witnessed the growths of cities and country in this Occidental land can hardly believe that he who addresses you now opened the first office for the practice of the law in Chicago. They have often called me the father of the Chicago Bar, and proud I am of such a progeny. In numbers they are truly great, and in ability, in learning, in integrity, and in patriotism I will proudly compare them with any other bar in the United States. I have ever tried so to bear myself that no one should blush at the mention of my name, and I most gratefully acknowledge that they have always shown me a filial affection, ever treating me with the greatest respect and confidence, omitting no opportunity to do me honor. This is a consoling reflection and a sweet experience in the decline of life.

Would time permit, it would not be unbecoming in me to follow my friend, who in your behalf has extended to us so cordial a welcome, in the great changes which have been here wrought in so short a time—for, remember that the period of one human life is but a day in the life of a people; but I must forbear. Really it seems like mystery that what was but yesterday a very little village—for it seems but yesterday that I was a very young man—has today grown to be so great a city. Sometimes despotic power has builded

* Here a question was raised by some of the old-timers as to whether Mr. James H. Collins came in the year 1833, but Judge Caton settled it, stating that he finished his legal studies in Mr. Collins' office in New York, and came directly thence to Chicago, when he wrote back to his former preceptor an account of the country, on the receipt of which Mr. Collins made his arrangements to come West, and arrived in Chicago in September, 1833, and in February following, Judge Caton entered into partnership with Mr. Collins, in the practice of the law, constituting the firm of COLLINS & CATON.

cities in the frozen North and in the genial South; but a Peter and a Constantine, with national resources, could never equal the magic results which we have here witnessed as the voluntary works of freeborn enterprise,—here in the temperate zone, where no ancient civilization had left its work. It lacks but antiquated ruins and crumbling columns to persuade the traveler that he is in some great city of the Old World, where modern architecture has wiped out many of the evidences of departed grandeur and supplied its place with the improvements of later times. But the end is not yet. If we saw the very beginning, you, too, have seen but the beginning. When the youngest man among you shall have passed through the active scenes which lie before him, and shall feel that his work is nearly done, he will stand amid a succeeding generation, and tell those who shall have arisen to take the places of him and his contemporaries of what he remembers of the present time as of the beginning of Chicago, or at least of its early youth. Then our voices will be hushed, to be no more heard forever, and may we not fondly hope that he will still kindly remember us, and that we here lived and labored before his time. So, too, may we hope that this Calumet Club may flourish those forty years or more to come, and that its members still will stretch forth the hand of welcome to those who shall survive from now to then, as cordially as you have extended your courtesies to us.

If we have talked only of Chicago and its progress, we must not forget that Chicago is not phenomenal, but it is the whole great West that is phenomenal. We have other great cities in this grand, magnificent valley, whose growth, whose enterprise, and whose greatness should equally command our admiration; many of whose early founders are yet spared to hear the expressions of gratitude, and to receive the honors which they so richly deserve. Let us not say that there is a rivalry between these great cities of the West; but there is a noble emulation as to which shall do most for the honor and the glory of our beloved country.

Nothing would be so agreeable to me as to talk to you by the hour of ancient Chicago, when the wild waters of the lake, on the one hand, were rarely vexed by the ships of commerce, and the wild flowers which covered the broad prairies, on the other, were undisturbed by cultivation, and uncropped by flocks and herds—save the wild deer that roamed at large over their broad bosoms; but I fear you

will think I am becoming a little senile in my enthusiasm. Especially do I like to talk of the olden times, when I see around me so many of those old-time friends, with some of whom I have not clasped hands for twenty or thirty years. Here is my old friend, Mark Beaubien, of whom I have so often spoken—because he is so worthy of mention, and because his name is so closely interwoven with all our sports and joyous gatherings, when we were all young together. He used to play the fiddle at our dances, and he played it in such a way as to set every heel and toe in the room in active motion. He would lift the sluggard from his seat, and set him whirling over the floor like mad! If his playing was less artistic than Ole Bull, it was a thousand times more inspiring to those who are not educated to a full appreciation of what would now create a *furor* in Chicago; but I will venture the assertion that Mark's old fiddle would bring ten young men and women to their feet, and send them through the mazes of the dance, while they would sit quietly through Ole Bull's best performances—pleased, no doubt, but not worked up to such enthusiasm that they could not retain their seats. That was long years since; but if he has that same old fiddle still, he can, I doubt not, draw the bow now in such a way as to thrill those at least in whom it will awaken pleasing memories of days and nights when young blood coursed wildly, and joy was unrestrained. To show you that this is so, and how he did it then, I call on him to play some of those sweet old tunes, if he has that same old fiddle yet.”*

Indeed, no one hesitates to call upon him to speak on any occasion or on any subject, without a moment's notice, and he never fails to respond in an interesting and instructive way. His extensive reading and great fund of general information always supply him with ideas, and his command of language enables him to express them with facility. We may add of Judge Caton as an *ex-tempore* speaker, he knows when he is done and stops.

He has traveled pretty extensively since he left the Supreme Bench. He has gone to Europe twice, visiting England, Ireland, and Scotland, France, Italy, and Austria

* Mark Beaubien had not forgotten his ancient cunning, and taking an old violin which he averred to be the one he handled forty years before, struck up “Money Musk,” “The Devil's Dream,” and the “Indian Solo,” the last tune bringing out Mr. Gurdon S. Hubbard, who went through the Indian dance to the great admiration of the company.

on his first visit, and Norway, Sweden, Denmark, Germany, Switzerland, France, and England on his second visit.

Soon after his return from his second European tour he published the result of his observations in Scandinavia in a work entitled "A Summer in Norway," which was received with great favor by both the press and the people, the second edition of which is now nearly exhausted. During this trip he went as far north as Hammerfest, the most northerly town in the world. He is an observant traveler, and in this work gives a graphic description of the Lapp and his reindeer, and of the Norwegians, their habits and their industries, of their country, its scenery and its products, of its institutions and its jurisprudence, and of its crops, of its history as connected with interesting objects which came within his observation. The bold mountain scenery reflecting the beams of the midnight sun, hanging high in the heavens, is spread out before the reader in such vivid colors that he sees it as distinctly as if he were standing beside the observer, and the beauty of its fjords—inland seas, which far surpass that of the celebrated inland sea of Japan—is described in a charming way.

In our own country he has visited all of the States and Territories of the Union, except Montana and Idaho, extending his journeyings into Canada, Manitoba, and British Columbia.

One of his southern trips was extended to Cuba. While upon this trip he wrote a series of letters to his neighbors at home, which were published in the *Ottawa Free Trader*, and which are republished in the "Miscellanies" under the title of "Letters From Low Latitudes." These letters, fourteen in number, are characterized by the same careful and instructive observations and vivid descriptions which are found in his other similar writings.

One of these letters will give us a vivid description of the condition of the Chinese in Cuba, and of slavery there, and a graphic account of the slaughter of the students, which created so much comment and sympathy in this country:

"At the best the Spanish government in Cuba is scarcely more than nominal, even in those parts of the island professedly loyal. The real power is in the hands of the volunteers; they dictate who shall be appointed their nominal rulers, but real servants. Here, then, we have an irresponsible government, which foreign nations can not treat with

or hold accountable. While the volunteers govern in fact, they have no recognized head to answer for them in the actual influence which they exert in governmental affairs, nor is there any formal mode in which their views or their wishes can be expressed. Their will is manifested by the turbulence alone which gives the turbulent the principal sway, while the orderly and better disposed, who, I am induced to believe, constitute by far the greatest number, exert no influence upon public affairs. It is easy to see how a corrupt, bad man, by pandering to the prejudices and the passions of the wicked, and especially by the judicious use of money, can erect for himself almost a throne, defraud the government at home, rob the people here, and complacently smile a sort of defiance when kings or cortes threaten to call him to account. The consequence of all this is, that probably a more venal set of public men never cursed any country than those that now prey upon this fair and beautiful land. The New-York Ring is washed in innocence compared with them. Individual fortunes were not made the spoil of the oppressor there, and a price was not set upon innocent blood. If suspicions have there been excited that the judiciary was not immaculate, at least festering rottenness did not preside in all courts, nor could judgments at all times be purchased with a price.

“The volunteers are not native Cubáns, or creoles, as they are here termed, but they are immigrants from Spain, generally of the middle or lower class, who have sought this country to better their fortunes, which at home were no doubt bad enough. A large majority of them are mechanics and laborers, who are more or less industrious, and very many of them really good and useful citizens under all ordinary circumstances. Their exact number is not known to the outside world, but is variously stated at from forty to fifty thousand. While all are organized and drill at irregular periods in small bodies, most of them are at their daily labor, but with their uniforms and arms close at hand, ready to be resumed at a moment's notice. A limited number, however, are in constant service, garrisoning the barracks and forts, of which they have managed to get possession; and bodies of these may be seen marching through the streets every morning at eight o'clock, with fine bands of music, as a constant reminder to the people that they have a living master, much as I have seen the French troops marching through the streets of Paris in the days of the

Second Empire. These are for the most part young, active, well-made men, two inches shorter than the average standard of American or Englishman, but rather more stockily built.

"These volunteers decline to expose their lungs to the malaria of the rebel districts, or their precious persons to the knives or clubs of the rude bands, but prefer to stay at home and guard the gates. The actual fighting must be done, if done at all, by the regulars sent over from Spain, of whom over seventy thousand have come since the war commenced, but very few of whom yet live, and hardly one in a thousand will ever see his native country again. Still they come, for during my stay another thousand arrived, and were disembarked in a violent rain-storm, as I observed. They remained but two days in the city to stretch themselves and get off their sea-legs, when they were gallantly escorted out of the city on their way to the battle-field by their loving brothers, the volunteers.

"I took pains to inform myself as fully as I could, and I feel warranted in saying that there is really no loyalty to the Spanish Government among the creole population in any part of Cuba. In Havana and in all the loyal districts necessarily these must constitute a considerable portion of the population. They execrate the present Government all the more bitterly that they dare not express it except to those in whom they feel sure they may repose confidence. Hence it is that an American can learn more in a week of the feeling of discontent here than one of another nationality could in a year, for they seem to look to our Government as their hope and trust. But few sympathize with the present rebellion, or revolution if you choose, for they lack confidence in the men at the head of it; and as for the masses, they pronounce them more ignorant and worthless than any other population on the island. In fine, they do not believe that the movement will succeed as a revolution, nor do they believe that the rebellion will ever be put down, but that this petty, cruel, relentless warfare will continue an indefinite length of time. And this is what they most lament, for while the rebellion still exists, Spanish pride will scorn to entertain a thought of parting with its even nominal sovereignty over the island. They believe Spain would be glad to get it off her hands, could she do so without wounding her sensitiveness of her honor. Yes, they believe if the last vestige of the rebellion were extinguished today, as

soon as a little time had elapsed that it might be forgotten, the island would fall into our hands, without the shedding of a drop of blood. Such are the sentiments and views of the native Cubans, both in the city and country, and even in the far interior, as I learned them from various and independent sources, which so far harmonize as to win my confidence in their reliability.

“Señor Castañon was a Spaniard, a colonel among the volunteers, and the editor of a newspaper which was devoted to their interest, and exerted a great influence among them. They were more devoted to his person than to any other living man. As some expressed it, he was their idol. Many of the creoles had contracted for him a corresponding hatred. Offence was given and a challenge sent, which was accepted on condition that the affair should come off at Key West, on the ground that his adversary could receive no protection in Havana under the rule of the volunteers. The conditions were agreed to, the time appointed, and the parties and their friends accordingly repaired to the island. At Key West are gathered quite a number of native Cubans, whose known sentiments rendered Cuba an unsafe residence. Here they import Cuba tobacco, make Havana cigars, and roundly curse the Spanish Government and all its sympathizers, and long for the time when Spanish rule shall be driven from the West Indies, and they may return to the lovely land from which they have been exiled. The night before shots were to be exchanged by the principals, Castañon in some way got into a quarrel with a number of these exiles and was shot; and his friends believe that the whole was a preconcerted scheme to murder him in a foreign land, where it might be done with impunity. The sheriff of Key West, who related to me the particulars of the affair, was present at the time, and once succeeded in quelling the quarrel, but it was renewed in spite of him, as if both parties were anxious for the fray. In the excitement of the crowd it was impossible to say who fired the fatal shot. All dispersed almost instantly, nor have those most violently suspected been heard of since, notwithstanding the liberal rewards offered for their apprehension. Escape to the neighboring keys, and thence to the main, could be effected with the utmost facility during the night, where it would be impossible to find them. There was a rumor that the supposed leader had been seen at Nassau, and a detective was sent to search for him, but he returned

empty-handed; and so the murderers are still unpunished, which is much to be regretted, for the outspoken sympathy for the Cubans by a large proportion of the Americans on the islands is well calculated to create an unfortunate impression on the minds of those to whom the murdered man was so dear. I was told in Havana that the man—an Englishman—who first reported the murder of Castañon on shore was actually torn to pieces, in their uncontrollable rage, by the volunteers. The body was taken to Havana and placed in a tomb with great pomp and splendor.

“We had arranged, the evening before, an excursion to Castañon’s tomb, and to the scene of the atrocious murder of the students, so we all took an early breakfast, and by nine o’clock were assembled in the stone hall for the start. Mr. Knickerbocker, of Chicago, who had already been carefully over the ground, kindly consented to act as our guide. The morning was deliciously fresh and cool, a smart north wind coming in from the Gulf. A loud *hist* from Angeleno, with that repulsive wave of the hand peculiar to this people, brought up the cabs with a rush, and we were soon rolling over the pavement toward the westerly outskirts of the city. Our course led us along by the fish market and near the shores of the Gulf, and some of the time through by-ways and over most execrable roads, which tried the strength of both horses and cabs, until at length we came to a halt on a considerable elevation, by the side of a high stone wall pierced with grated windows and one large door. Here was the place where the boys, charged with desecrating Castañon’s tomb, had been confined, and there, right against that wall, did they stand when they were shot. There was no mistaking the place. At four places, between the grated windows, the wall was newly painted with a dull yellow color, of a considerable lighter shade than the original paint. The stone wall was stuccoed, and so presented the appearance of a plastered wall, when painted. That new paint was to cover up and conceal from view the young and innocent life-blood which had been spattered against it, through the bullet holes, in the dying struggles of the poor victims to — I dare not trust myself to characterize it. If the blood had been covered up, the marks of the bullets upon the walls had not been obliterated. Yes, there were four such places upon that prison wall, thus painted to cover the crimson stains and the indentations of the wall; and against each of these four places two of the

boys had stood before twenty Remington rifles, in the face of a sorrowing.—I may say indignant—crowd, and were there shot down by those worse than savage volunteers. That foul deed must cause a great red blot, not only in the history of Spanish rule, but in the history of Spaniards. Nay, it is a blot upon humanity itself, for it is the reproach of mankind that we are of the same species as those wretches. When the bloody deed was done, when the reports of the rifles were no longer heard, and all was still, save the dying groans of the writhing victims upon the sod, even the terror of the cruel volunteers could not produce a single shout of applause from the concourse of spectators; and it is a happy evidence that there was something of humanity, besides the form, in the volunteers themselves, for of all the companies their drawn up, not one voice was raised in triumph or in approval; they seemed abashed at their own cruelty and wickedness, and hung their heads in very self-disgust.

“But let us hasten on to the desecrated tomb, and see if I am right in calling this a foul murder, although perpetrated under the shadow of a legal form. A short drive brought us to the cemetery, where repose the remains of the murdered Castañon. All was still, for it was an unusual hour for visitors, but the great gates, like the gates of a walled city, which swung beneath a lofty arch, were open; so we alighted, traversed the broad flagging which leads up from the street, and entered. An attendant seemed to know instinctively what we had come to see, and pointed the way which led to the desecrated tomb.

“Perhaps because there is but little earth upon the rock which underlies the soil, interments are not in excavated graves, but in tombs built of stone or brick upon the surface. In some of these may be deposited the remains of one, in others many. There are hundreds of these tombs, well built in a uniform style of architecture, some more elaborate and expensive than others. They are in double rows, back to back, with broad plats between those facing each other, in which are roses, or beds of flowers, and immediately in front of the tombs are flag walks. Although there may be exceptions, these tombs are not private property, but are rented out to those who have dead to bury. Their mortality is allowed to remain for twenty years, when it is supposed to have turned to dust, which is then taken out and burned, and so room is made for another. It is said that over eighty

thousand have thus been disposed of in this one cemetery.

“Mr. Knickerbocker led the way directly to the narrow house which contained the remains of the idol of the volunteers of Cuba, that we might see the outrage for which eight young lives had been blotted out, and a number of others still languish in chains, and wear out the dreary days in hardest toil under a tropical sun. Oh, what must be the anguish of those boys’ parents who but too tenderly reared them; when they lie down to sleep and when they awaken in the morning, if indeed they can even sleep, and think of the situation of those they so much love? Think of it, you who know the yearnings of parental love, and you will not withhold your sympathy.

“If the blood had boiled with indignation when contemplating the scene of the bloody tragedy, we were fairly struck dumb when we saw before us the offence for which the boys had suffered. They had died for desecrating a tomb, and we expected to see some real outrage—some demolition which must shock the feelings of the living, and tend to bring reproach upon the memory of the dead. Now all was revealed, and before our eyes. Three scratches upon a piece of plate glass about twenty by twenty-four inches in size. One scratch was about fifteen inches long in a slightly curved vertical line, with a short loop at the bottom. Another ten inches long, commencing near the top of the first and descending in a curved line at an angle of forty-five degrees; and the third, five inches long, projected from the upper side of the second and about three inches from its upper end. This was also a curved line in nearly a horizontal direction,—and this was all! There was no design, no idea in these marks. Their form and extent show that they were merely for the purpose of marking and nothing more. It is said, however, that in addition to this some filth or dirt was put upon the walls of the tomb. This is the full extent of the offending, and for this the boys were shot.

“They were students in a college close by. While it was an act to be severely censured, no matter whose remains might have there reposed, in no other country since the dawn of civilization, would it have been considered worthy of death; and yet I met one man,—I blush that he ever learned to speak the English language,—who, without professing to justify or palliate the bloody deed, showed in his heart a desire to do so. ‘Why,’ said he, ‘suppose the same outrage was perpetrated upon the tomb of Mr. Lincoln,

whose memory you love, and whose virtues you revere, would not your whole nation cry out for vengeance, and not be appeased until the blood of the offender atoned for the desecration?' I told him, no; that we should feel our sensibilities outraged, no doubt, and should think it the duty of their teachers or parents to punish the boys, and that, perhaps, severely; but that not an individual could be found throughout the whole nation who would not be ready to rise up in arms to prevent the shedding of their blood for such an offence, which, after all, appeared to be rather thoughtlessness than a malicious outrage. 'Besides,' said I, 'after they had been tried and acquitted in a civil court, they were again seized by the volunteers, dragged before a drum-head court-martial of volunteer officers, where they were tried, convicted, and condemned in defiance of all legal forms, though at most they were guilty of but a civil offence, if guilty at all, of which the civil tribunals alone had cognizance, and whose judgment of acquittal should have been conclusive.'

"That all may be true," said he, "but then there are offences for which the public sentiment requires the forms of civil law to be dispensed with, and a tribunal resorted to which is not tied down by legal technicalities. Whether this be such a case or not, we will not now discuss, but that there may be such cases I may refer you to the trial and execution of Mrs. Surrat and her associates.' I made no reply.

"For a long time we looked sadly and silently upon these slight marks which had served as the signature of the death warrant, the execution of which so soon followed, nor could we refrain from picturing to ourselves the anguish of the mother of the youth whose hand had traced the marks with a diamond in a ring which she had a few days before presented him as a mark of her affection, and an approval of his good conduct. And there, too, we recalled the many anecdotes we had heard of the incidents connected with the sanguinary affair. After all, sympathy for the bereaved parents even dominated over the feeling of compassion for the youths themselves, for the anguish of those must still continue, while the sufferings of these were quickly terminated. When will that mother forget to mourn in unspeakable grief for her son, but fourteen years of age, who, passing from prison to the place of execution, asked and was denied by the savages the one final gift of his mother's kiss and blessing?

"I am prepared to believe what is asserted by their friends, that this execution was not in conformity to the wishes of a large majority of the volunteers, but that they deeply sorrowed at what they deemed a sort of necessity, or had not the courage to prevent,—that there were among them a few turbulent spirits whose violence ruled the rest, and whose cry for blood silenced the voices of the more compassionate. Again, it had come to their ears that the civil governor, in whose hands was the supreme control in the absence of the captain general, had agreed to pardon the youths in consideration of two millions of dollars, to be paid by their parents, who are among the most wealthy upon the island, and that in order to balk him in this speculation, more than from a real desire for the blood of the victims, they threatened to tear him in pieces if he attempted to carry out his part of the contract, and thus entitle himself to the blood-money. There is strong reason to believe that such an arrangement had been concluded, and would have been carried out by the venal governor but for threats that he dared not disregard, and I am willing to hope that even the turbulent portion of the volunteers would have acquiesced in the pardon had it not involved such monstrous corruption. Had the money been coming to themselves instead of the corrupt governor, they might probably have been more placable. The captain general claims that he would have prevented the execution had he been there at the time. Why then does he not pardon those who are still suffering imprisonment and chains for the same cause, and by the sentence of the same court-martial, composed of the officers of the same volunteers, by whose will he is retained in his place in defiance of the real wishes of the home government?

"But I have occupied too much of your time with this sad subject, which is so well calculated to sound the deepest feelings of the human heart. We have lingered too long in the city of the dead, whose very atmosphere is now loaded more than ever with sadness and sorrow. Let us hasten away, and, if possible, forget our melancholy in a visit to the Gardens of Acclimation, which are but a short mile distant. I am, however, too sad to describe the bright roses and brilliant flowers, which their bloom in perpetual spring, but ask you to sit down with me, and for a moment rest upon the rustic seats under the broad-leaved palms, which in long lines border the walks and avenues. Here we breathe a

sweeter fragrance, and would gladly forget that sickness, sorrow, and death are all around us, and shut our eyes to cruelty and oppression which so sorely afflicts a land so lovely."

The winter of 1877-8 he spent in the Sandwich Islands, where his usual habit of careful observations was continued. He wrote a series of papers on the agriculture of the Islands, which were published in the *Prairie Farmer*. His paper on the vital statistics of the Islands was published in a medical journal in Chicago, and attracted great attention at the time. His description of the surf-bathing by the natives there is the only accurate description of that wonderful feat which has ever been published, and his extended paper on the volcanoes of the Islands taxed all his powers of description. He camped a night on the rim of the great extinct crater of Haleakala, and enables the reader to look down into the fearful abyss of two thousand feet in depth and seven miles across as if he stood on the very edge and looked down with his own eyes. He had the rare good fortune to witness a clear sunrise from that high perch of ten thousand feet, while all the country below was covered with a fleecy cloud, on the upper surface of which the rays of the rising sun fell with a brilliancy and a weird effect which no effort of description could adequately portray. He spent a day in the crater of Kilanea, in which he met the flowing lava of an eruption and also saw the burning lake, the shores of which were lashed by billows of liquid fire. Both these latter papers are first published in the "Miscellanies."

The winter of 1879-80 he spent in a visit to China and Japan. The account of his observations there have not yet been published. He has visited the Pacific coast six times, coasting all the way from San Diego on the south to Victoria on the north, and visiting all the most interesting points in the interior, navigated Puget's Sound, and crossed the country from Olympia to Portland, and up the Columbia to the Dales. The Yosemite Valley he twice visited, which great wonder he carefully studied, and three times he took note of the great groves of Big Trees.

In all his journeyings he has been accompanied by Mrs. Caton, and generally by some other members of his family. Indeed the beneficial effect upon Mrs. Caton's health has prompted to most of these journeys, which, however, have been turned to good account in other ways as well.

As a business man Judge Caton is entitled to be mentioned as occupying a high position. Possessing a high order of mechanical genius, his business enterprises have all been more or less connected with mechanism, demanding great organizing capacity. In his estimation the first and indispensable element for success in important and varied business enterprises is the capacity to judge men, to determine, almost intuitively, what a man is capable of doing, to select the right man for a given place. Then, if he is capable of forming wise plans, he may be sure of having them well executed, when success is highly probable. He has been exceptionally self-reliant. When he has once made up his mind, after having maturely examined a subject, he acts upon his own judgment, unaffected by the doubts or misgivings of others. His telegraph enterprise was undertaken against the advice of all his friends, and yet he made it a grand success. His glass factories, his starch factory, his large stock farm, all show the bent of his mind and tastes, and the wisdom of his mode of management. Energy, sound judgment, self-reliance, stability of purpose and great industry are characteristics of the man, and constitute the true explanation of his marked success, if we add to these an unbending integrity, in which all men who have ever come in contact with him have ever had the utmost confidence.

His literary and scientific studies and writings, his legal attainments and judicial success, with his large and varied business enterprises, all testify to a versatility of talent and varied accomplishments rarely found combined in the same person, and yet with all this he is a man of leisure; that is, he is never hurried or pressed with business, always has leisure to see and converse with a friend or to spend an hour in social intercourse in the quiet of his family circle. His disposition is of the most equable and uniform character, slow to anger and ready to forgive when forgiveness is merited. Indeed, he claims to have been *mad* but three times in his life, but then he was pretty mad.

In his domestic relations he has been singularly fortunate and happy. During their conjugal life of more than forty-five years, it is their boast that not a cross word has ever passed between him and his wife.

For several years past Judge Caton has spent his winters with his family in Chicago, where he has a home, although his residence is still in Ottawa, where he has made many improvements to his house and grounds. He has always

had a large circle of friends in Chicago, whose manifestations of respect render his associations there very agreeable; and all his children being settled there adds much to the ligaments which bind him to his old home, where first he commenced the practice of his profession, forty-nine years ago; when there were not two hundred and fifty people in the little village. All now living who were here then can be counted upon one's fingers.

If a life of industry has also been a life of usefulness (and he has succeeded in earning and securing the respect and confidence of those who know him well), then has he accomplished the object of a life-long effort, and may hope to leave a legacy to his children which they will value above price.

After all, he looks upon his career as a jurist with the greatest satisfaction, and relies upon it to secure him his most enduring fame. When this shall be reviewed and illustrated by some competent member of the profession, the services which he has rendered the State in his official life may be fully understood, but not till then.

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Biographical Sketch of
John Dean Caton

